

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3115 - SB 3504

March 3, 2010

SUMMARY OF BILL: Limits the transmission of juvenile fingerprint cards to the Tennessee Bureau of Investigation (TBI) except in cases where the juvenile committed any Class A felony, aggravated kidnapping, aggravated robbery, rape, or aggravated sexual battery, and was 16 years of age or older at the time of the offense. Requires the juvenile court to transfer fingerprints to the TBI. Requires the TBI to relinquish such records to any requesting agency authorized by state or federal law to submit fingerprints to the TBI or FBI for employment or licensing purposes. Requires the juvenile court to notify the child that such records may be released.

Authorizes any individual tried and adjudicated delinquent by a juvenile court to petition the court for the expunction of all public records including pertinent law enforcement files, fingerprints, or photographs.

Expands the current requirement that permission from the court must be obtained prior to the fingerprinting or photographing of a minor, to include "other scientific methods of establishing identity including DNA testing and retinal scanning."

Requires juvenile local law enforcement records, files, fingerprints, and photographs be destroyed within six months after the individual has reached the age of 21 unless the juvenile committed any Class A felony, aggravated kidnapping, aggravated robbery, rape, or aggravated sexual battery and was 16 years of age or older at the time of the offense. In such cases, local law enforcement has the discretion to maintain or destroy this information.

Abolishes the Juvenile Records Task Force.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$15,000/One-Time

Decrease State Expenditures - \$1,000/Recurring/Each One-Day Meeting

Decrease Local Expenditures - \$1,800/Recurring

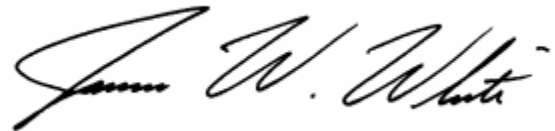
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Assumptions:

- According to the Administrative Office of the Courts, for calendar years 2006 through 2008 there were a total of 470 children aged 16 or older who were adjudicated delinquent for the selected felony offenses. This is approximately 156 youth per year and approximately two youth per county.
- Based on the number of youth per year, any increase in local expenditures to transmit juvenile records including fingerprints to the TBI and expunge public records is estimated to be not significant.
- The TBI will require \$15,000 in one-time state expenditures for addition of an automated filter in the processing of records to the criminal history database and the setting of a flag to allow the release of specific juvenile records upon request.
- The Juvenile Records Task Force was created by Public Chapter 552 of the Public Acts of 2007. This bill will abolish the Task Force and will decrease state and local expenditures spent on per diem and travel expenses paid to Task Force members.
- Travel reimbursement and meal allotment for three juvenile court judges and a juvenile clerk to attend four meetings was estimated to increase local government expenditures by \$1,800. It is estimated that abolishing the Task Force will decrease local expenditures by \$1,800.
- The per diem and mileage reimbursement for three legislative members to attend four meetings is currently 1,018 each one-day meeting (\$185 per diem + 154.44 x 3 members). It is estimated that abolishing the Task Force will decrease state expenditures by \$1,018 each one-day meeting.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

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